

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

March 29, 2007

DIVISION ONE

B182090 B183975	Norwest Mortgage, Inc. v. Canyon View Estates et al.	(Not for Publication)
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The judgment is affirmed as to declaratory relief granted to plaintiff on the Retz lease and home. The judgment is reversed in all other respects and remanded for further proceedings consistent with this opinion, including but not limited to, the determination of the amount of damages to be awarded to plaintiff. Further, the portion of the June 22, 2004 pretrial order granting defendant's motion for summary adjudication as to plaintiff's second cause of action for fraud and deceit and third cause of action for negligent misrepresentation shall be vacated and a new order issued denying defendant's motion as to the two causes of action, and further trial proceedings held on the two causes of action. The post judgment order granting defendant's motion to be determined to be the prevailing party and awarding attorney's fees and costs to defendant is reversed. Plaintiff is awarded its attorney's fees and costs on appeal.

Jackson, J. (Assigned)

We concur: Spencer, P.J.
Mallano, J.

DIVISION ONE (Continued)

B186753 People (Not for Publication)

v.

Moreno

The judgment is affirmed.

Rothschild, J.

We concur: Mallano, Acting P.J.
 Jackson, J. (Assigned)

B193434 Los Angeles County, D.C.S. (Not for Publication)

v.

Tinisha c.

The order terminating Tinisha's parental rights is reversed subject to the following conditions. The matter is remanded to the juvenile court for the limited purpose of assuring that DCFS notifies BIA and any and all appropriate subdivisions of the Cherokee and Choctaw tribes, as identified in BIA's directory of tribal contact information, of the dependency proceedings involving T. C. DCFS shall give the juvenile court proof of such notice, including copies of the notice sent, proof of service, return receipts, and any responses received, as provided in California Rules of Court, rule 5.664(f). If no tribe responds and states that T. C. is or may be eligible for tribal membership within 60 days of receipt of said notice, the juvenile court shall reinstate the order terminating parental rights. If, however, T. C. is determined to be an Indian child under ICWA, Tinisha may then petition the juvenile court to invalidate any earlier orders that violated sections 1911, 1912, or 1913 of Title 25 of the United States Code. (25 U.S.C. § 1914; Cal. Rules of Court, rule 5.664(n); *In re Brooke C.*, *supra*, 127 Cal.App.4th at pp. 385-386.) Our decision is final as to this court immediately.

Rothschild, J.

We concur: Vogel (Miriam A.), Acting P.J.
 Jackson, J. (Assigned)

March 29, 2007 (Continued)

DIVISION ONE (Continued)

B189575 Malais (Not for Publication)

v.

Los Angeles City Fire Department

The judgment is affirmed. The Department is entitled to its costs on appeal.

Rothschild, J.

We concur: Vogel (Miriam A.), Acting P.J.
 Jackson, J. (Assigned)

DIVISION FOUR

B174826 Pioneer Electronics (USA), Inc. (Not for Publication)

v.

Superior Court, Los Angeles County
(Olmstead, r.p.i.)

The petition for writ of mandate is denied and the matter is remanded to the superior court for further proceedings. Real party in interest is to have costs on appeal.

Epstein, P.J.

We concur: Willhite, J.
 Manella, J.

March 29, 2007 (Continued)

DIVISION FOUR (Continued)

B187922 People (Not for Publication)

V.

Gonzalez

The judgment is affirmed.

Manella, J.

I concur: Epstein, P.J.

I concur in the judgment only: Suzukawa, J.

DIVISION FIVE

B189051 People

V.

Jeremiah Green

Filed order vacating submission order of January 9. Awaiting decision of the California Supreme Court in *Peo v. Towne* (S125677); *People v. French* (S148845); *People v. Hernandez* (S148974); *People v. Prado* (S148914); *People v. Mvuemba* (S149247); or *People v. Sandoval* (S148917).

Depending on resolution of the issues raised in any or more than one of these cases, the court will order prompt briefing and resubmission of the matter as is appropriate.

DIVISION FIVE (Continued)

B187943 People
 v.
 Steven Guerrero
 Charlie Kephart

Filed order vacating submission order of February 7. Awaiting decision of the California Supreme Court in *Peo v. Towne* (S125677); *People v. French* (S148845); *People v. Hernandez* (S148974); *People v. Prado* (S148914); *People v. Mvuemba* (S149247); or *People v. Sandoval* (S148917). Depending on resolution of the issues raised in any or more than one of these cases, the court will order prompt briefing and resubmission of the matter as is appropriate.

B189114 People
 v.
 Michael Loza

Filed order vacating submission order of February 7. Awaiting decision of the California Supreme Court in *Peo v. Towne* (S125677); *People v. French* (S148845); *People v. Hernandez* (S148974); *People v. Prado* (S148914); *People v. Mvuemba* (S149247); or *People v. Sandoval* (S148917). Depending on resolution of the issues raised in any or more than one of these cases, the court will order prompt briefing and resubmission of the matter as is appropriate.

B188456 People
 v.
 Darryl Anderson

Filed order vacating submission order of January 9. Awaiting decision of the California Supreme Court in *Peo v. Towne* (S125677); *People v. French* (S148845); *People v. Hernandez* (S148974); *People v. Prado* (S148914); *People v. Mvuemba* (S149247); or *People v. Sandoval* (S148917). Depending on resolution of the issues raised in any or more than one of these cases, the court will order prompt briefing and resubmission of the matter as is appropriate.

DIVISION FIVE (Continued)

B190670 People
 v.
 Alex Fuentes

Filed order vacating submission order of March 7. Awaiting decision of the California Supreme Court in *Peo v. Towne* (S125677); *People v. French* (S148845); *People v. Hernandez* (S148974); *People v. Prado* (S148914); *People v. Mvuemba* (S149247); or *People v. Sandoval* (S148917). Depending on resolution of the issues raised in any or more than one of these cases, the court will order prompt briefing and resubmission of the matter as is appropriate.

B188304 People
 v.
 Karen Koshkaryan

Filed order vacating submission order of March 6. Awaiting decision of the California Supreme Court in *Peo v. Towne* (S125677); *People v. French* (S148845); *People v. Hernandez* (S148974); *People v. Prado* (S148914); *People v. Mvuemba* (S149247); or *People v. Sandoval* (S148917). Depending on resolution of the issues raised in any or more than one of these cases, the court will order prompt briefing and resubmission of the matter as is appropriate.

DIVISION SIX

Court convened at 1:30 P.M. at Pepperdine University, School of Law.

Present: Gilbert, P.J., Coffee, J., Perren, J. and G. Bents, Senior Deputy Clerk.

DIVISION SIX (Continued)

B189432 People
 v.
 Rizo & Gonzales

Merits:

Argued by Joan Wolff for appellant Gonzales; by Jan B. Norman for appellant Rizo; and by Richard S. Moskowitz, Deputy Attorney General, for respondent. Cause submitted.

B182014 People
 v.
 Perez

Merits:

Argued by Ronnie Duberstein for appellant and by Viet H. Nguyen, Deputy Attorney General, for respondent. Cause submitted.

B190014 People
 v.
 Saltzman

Merits:

Argued by Robert M. Sweet for appellant and by Stephanie C. Brennan, Deputy Attorney General, for respondent. Cause submitted.

B185662 People
 v.
 Spencer

Merits:

Argued by Dan Mrotek for appellant and by Taylor Nguyen, Deputy Attorney General, for respondent. Cause submitted.

Court addresses students and answers questions. Court adjourned.

DIVISION EIGHT

B190604 Los Angeles County, D.C.S. (Not for Publication)
v.
Rosemary M.,
In re Alejandro Q., et al., Persons Coming Under the Juvenile Court Law.

The April 24, 2006 order terminating jurisdiction, awarding custody to the fathers and requiring monitored visitation for the mother is affirmed.

Boland, J.

We concur: Rubin, Acting P.J.
Flier, J.

B188576 People (Not for Publication)
v.
Arnold Lynch et al.,

The judgment against Parks is affirmed. The robbery and burglary special circumstances against Lynch are reversed, and the matter is remanded for resentencing. In all other respects, the judgment against Lynch is affirmed.

Boland, J.

We concur: Rubin, Acting P.J.
Flier, J.

B183655 People
v.
Ralph M.,
In re Ralph M., a Person Coming Under the Juvenile Court Law.

Filed order granting petition for rehearing.